



General Assembly

February Session, 2004

Substitute Bill No. 5365

* _____HB05365KIDJUD030404_____*

**AN ACT CONCERNING SUPERVISED VISITATION FOR CHILDREN
OF INDIVIDUALS CONVICTED OF CERTAIN CRIMES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-56 of the general statutes, as amended by
2 section 105 of public act 03-19, is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2004*):

4 (a) In any controversy before the Superior Court as to the custody or
5 care of minor children, and at any time after the return day of any
6 complaint under section 46b-45, the court may at any time make or
7 modify any proper order regarding the education and support of the
8 children and of care, custody and visitation if it has jurisdiction under
9 the provisions of chapter 815p. Subject to the provisions of section 46b-
10 56a, the court may assign the custody of any child to the parents
11 jointly, to either parent or to a third party, according to its best
12 judgment upon the facts of the case and subject to such conditions and
13 limitations as it deems equitable. The court may also make any order
14 granting the right of visitation of any child to a third party, including,
15 but not limited to, grandparents.

16 (b) In making or modifying any order with respect to custody or
17 visitation, the court shall (1) be guided by the best interests of the
18 child, giving consideration to the wishes of the child if the child is of
19 sufficient age and capable of forming an intelligent preference,

20 provided in making the initial order the court may take into
21 consideration the causes for dissolution of the marriage or legal
22 separation if such causes are relevant in a determination of the best
23 interests of the child, and (2) consider whether the party satisfactorily
24 completed participation in a parenting education program established
25 pursuant to section 46b-69b. Upon the issuance of any order assigning
26 custody of the child to the Commissioner of Children and Families, or
27 not later than sixty days after the issuance of such order, the court shall
28 make a determination whether the Department of Children and
29 Families made reasonable efforts to keep the child with his or her
30 parents prior to the issuance of such order and, if such efforts were not
31 made, whether such reasonable efforts were not possible, taking into
32 consideration the child's best interests, including the child's health and
33 safety. The court shall not make an order allowing unsupervised
34 visitation by an individual who has been convicted in this state or any
35 other state of a violation of section 53a-70 or 53a-70a. The court may
36 make an order allowing unsupervised visitation, pursuant to the
37 provisions of this subsection, for individuals convicted of other crimes
38 in this state or any other state.

39 (c) In determining whether a child is in need of support and, if in
40 need, the respective abilities of the parents to provide support, the
41 court shall take into consideration all the factors enumerated in section
42 46b-84, as amended.

43 (d) When the court is not sitting, any judge of the court may make
44 any order in the cause which the court might make under subsection
45 (a) of this section, including orders of injunction, prior to any action in
46 the cause by the court.

47 (e) A parent not granted custody of a minor child shall not be
48 denied the right of access to the academic, medical, hospital or other
49 health records of such minor child unless otherwise ordered by the
50 court for good cause shown.

51 (f) Notwithstanding the provisions of subsection (b) of this section,

52 when a motion for modification of custody or visitation is pending
53 before the court or has been decided by the court and the investigation
54 ordered by the court pursuant to section 46b-6 recommends
55 psychiatric or psychological therapy for a child, and such therapy
56 would, in the court's opinion, be in the best interests of the child and
57 aid the child's response to a modification, the court may order such
58 therapy and reserve judgment on the motion for modification.

59 (g) As part of a decision concerning custody or visitation, the court
60 may order either parent or both of the parents and any child of such
61 parents to participate in counseling and drug or alcohol screening,
62 provided such participation is in the best interest of the child.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

KID*Joint Favorable Subst. C/R***JUD**